

REMARKS

Applicants respectfully request further examination and reconsideration in view of the instant response. Claims 1-12, 14-19 and 21-29 remain pending in the case. Claims 1-12 and 14-18 are rejected. Claims 25-29 are objected to. Claims 19 and 21-24 are allowed. Claims 1, 2, 5, 8-12, 14-16, 18 and 25-29 are amended herein. No new matter has been added. Support for the amendments can be found in the instant specification at least at page 5, lines 16-30; page 7, lines 7-18; page 15, lines 20-27; and page 16, lines 5-12.

EXAMINER INTERVIEW

On June 12, 2009, Examiner Senfi and Applicants' representative, Matthew J. Blecher, Reg. No. 46,558, participated in a telephonic interview regarding proposed amendment to the claims to address the rejection of Claims 1-12 and 14-18 under 35 U.S.C. §101 and the objection of Claims 25-29. The Applicants' representative expressed the desire to place the claims in condition for allowance without requiring the filing of a Request for Continued Examination under the assertion that the claim amendments do not introduce new matter requiring a new search. Examiner Senfi indicated that he would review the matter upon receipt of the official submission, and that he would notify Applicants' representative of any issues if necessary. Applicants and their representative wish to thank the Examiner for his time in reviewing and discussing this matter.

ALLOWABLE SUBJECT MATTER

Applicants wish to thank the Examiner for the indication that Claims 19 and 21-24 are allowed and that Claims 25-29 would be allowable if rewritten in

independent form including all of the limitations of the base claim and any intervening claims and overcoming the other pending claim objections.

CLAIM OBJECTIONS

The Office Action mailed April 15, 2009, hereinafter referred to as the “instant Office Action” objects to Claims 25-29 as asserting that “the disclosure of the instant application fails to define the medium as recited in the claim” (instant Office Action; sentence spanning pages 2-3). Claims 25-29 are amended herein to recite a “computer-readable storage medium” (emphasis added). Therefore, Applicants respectfully submit that Claims 25-29 overcome the instant objection.

35 U.S.C. §101 Rejections - Claims 1-12 and 14-18

The instant Office Action states that that Claims 1-12 and 14-18 are rejected under 35 U.S.C. §101. In particular, it is asserted that the “invention is non-statutory: Because; the invention as claimed is not falling within one of the four statutory classes of invention” (instant Office Action; page 2, section 2).

Applicants understand *In re Bilski* (88 USPQ 2d 1385 CAFC (2008)) to hold that a process under 35 U.S.C. §101 must (1) be tied to a machine or (2) transform underlying subject matter.

Applicants respectfully submit that independent Claims 1 and 8 are amended herein to recite that steps of the respective methods are performed at a “transcoder device” as claimed. Dependent Claims 2, 5, 9-12, 14-16 and 18 include similar recitations. Applicants note that a transcoder device is

described in the instant specification, which recites “Figure 2 illustrates data flow through the functional blocks of a system 200 (e.g., a transcoder) for reducing the resolution of media data according to one embodiment of the present invention. In this embodiment, system 200 is shown as a separate device that is situated in a network between the source and recipients of the media data” (emphasis added; page 7, lines 7-11).

Therefore, Applicants respectfully submit that the methods as recited in independent Claims 1 and 8 are tied to a particular machine as required under *In re Bilski*. Therefore, Applicant respectfully submits that independent Claims 1 and 8 are directed toward patentable subject matter, and thus overcome the rejection under 35 U.S.C. §101. Moreover, Applicants respectfully submit that Claims 2-7 that depend from independent Claim 1 and Claims 9-12 and 14-18 that depend from independent Claim 8 also overcome the rejection under 35 U.S.C. §101 as being dependent on claims that overcomes the instant rejection.

CONCLUSION

In light of the above remarks, Applicants respectfully request reconsideration of the objected to and rejected claims. Based on the arguments presented above, Applicants respectfully assert that Claims 25-29 overcome the objections of record and that Claims 1-12 and 14-18 overcome the rejections of record, and therefore Applicants respectfully solicit allowance of these claims.

The Examiner is invited to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Respectfully submitted,

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